

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Douglas T. Haydeen	Examiner: Ryan M. Stiglic
Serial No.:	10/759,819	Group Art Unit: 2112
Filed:	January 16, 2004	Docket No.: 10002614-1
Title:	Bus Device Insertion and Removal System	

REPLY APPEAL BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer mailed 05/01/2007, Appellants file this Reply Brief in accordance with 37 C.F.R. § 41.41.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

The Examiner admits that “Satoh does not expressly disclose such a pre-charge circuit and a low-impedance short circuit on the bus signal lines 15a and 15b of figure 5” (see Final OA at p. 4). Initially in the Final Office Action, the Examiner attempted to cure this deficiency with a generalization on obviousness (arguing: “Various modifications will become possible for those skilled in the art after receiving the teachings of the present disclosure without departing from the scope thereof.” see Final OA at p. 4). Now in the Examiner’s Answer, the Examiner builds a new circuit by combining FIGS. 5 and 9 of Satoh. The Examiner reproduces the circuits of FIGS. 5 and 9 and then engineers a new circuit to allegedly obviate the claims (see newly constructed circuit on p. 6 of Examiner’s Answer).

Applicants respectfully disagree with the arguments of the Examiner and construction of this circuit. The Examiner constructed a new circuit, but this circuit is not shown or suggested upon reading Satoh. In other words, the Satoh reference itself does not suggest such a circuit. Satoh is directed to a completely different invention (example, see section entitled “Overview of Satoh” in Appellant’s Appeal Brief).

In order to construct the circuit, the Examiner is using the novel elements of the independent claims as an instruction set or recipe to build a circuit and then inserting (without suggestion from Satoh itself) the circuit into Satoh’s figures. Further, the Examiner is picking and choosing unrelated teachings from Satoh’s FIG. 5 and adding it to Satoh’s FIG. 9. On this subject, the case law is clear: One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Satho has an admitted and important deficiency: Satho does not disclose a pre-charging circuit and a low-impedance across the pre-charge circuit (see Examiner’s Answer at p. 4). The independent claims expressly recite elements to a pre-charge circuit and low-impedance across the pre-charge circuit. Elements in a claim should not be ignored. Satho does discuss a low power consumption mode in connection with Fig. 5 (see col. 4, lines 38-39), but nowhere does Satho suggest “a low-impedance across the pre-charge circuit.” The concept of a low power consumption mode and the concept of low-impedance across the pre-charge circuit are quite different. No suggestion whatsoever exists in Satho for providing a low-impedance across a pre-charge circuit.

Furthermore, Satoh does not suggest that contacts between a pre-charge circuit and a signal line engage at different times. The Examiner argues FIG. 5 in Satoh. This figure shows two switches (15a, 15b), but does not suggest a pre-charge circuit. Satoh never suggests a signal line and pre-charge circuit to engage at different times. In order to show these elements, the Examiner has engineered his own circuit that is not suggested in Satoh.

Further yet, Applicants presented at least six different examples of missing claim elements with respect to claim 31. The Examiner has not addressed each of these arguments. Applicants respectfully ask the Board of Appeals to independently consider each and every argument in the original Appeal Brief.

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Respectfully submitted,

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